

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>CARLOS FAYNE,</b>	)	<b>Case No. 3:05-cv-2328</b>
	)	
<b>Petitioner,</b>	)	<b>JUDGE SARA LIOI</b>
	)	
<b>v.</b>	)	
	)	<b><u>ORDER</u></b>
<b>KHELLEH KONTEH, Warden,</b>	)	
	)	
	)	
<b>Respondent.</b>	)	

On September 30, 2005, petitioner Carlos Fayne. (petitioner) filed a *pro se* Writ of *Habeas Corpus* pursuant to 28 U.S.C. § 2254 (Docket No. 1). The case was referred to Magistrate Judge Kenneth S. McHargh pursuant to Local Rule 72.2 (Docket No. 6). On March 23, 2007, the Magistrate Judge recommended that petitioner's application for *habeas corpus* relief be denied (Docket No. 13).

Federal Rules of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service. Petitioner has failed to timely file any such objections. Therefore, the Court must assume that petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6<sup>th</sup> Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6<sup>th</sup> Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981).

Therefore, Magistrate Judge McHargh's report and recommendation is

hereby **ADOPTED** and petitioner's Writ of *Habeas Corpus* (Docket No. 1) is **DENIED**.

Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

Dated: May 17, 2007

s/ Sara Lioi  
Hon. Sara Lioi  
United States District Judge